



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, July 13, 2011 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	September 14, 2011

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Educator Member
Dianne Halpern, RN Member
Mary Lomax, Public Member
Kathy Bradley, LPN Member
Pamela Tyranski, RN Member
Robert Maddex, Public Member
Harland Sanders, Public Member
David Salati, RN Member
Madelyn Nellius, Public Member
Lyon Deputy, RN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Pamela Zickafoose, Executive Director
Patty Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Tammy Ward, RN Member
Delphos Price, APN Member
Tracy Littleton, LPN Member

ALSO PRESENT

Pat Welsh, DTCC, Stanton Campus
Tammy Paxton, DTCC, Owens Campus
Connie Bushey, Beebe School of Nursing
Lisa Schieffert, Delaware Healthcare Association
Deanna Green, DSC
Joy Magee, CAMTECH
Nursing Students

Ms. Nicholson called the meeting to order at 9:05 a.m. The Board introduced themselves to the public.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on June 8, 2011. Ms. Nellius made a motion, seconded by Ms. Tyranski, to approve the minutes. With Dr. Lomax abstaining, the motion was carried.

ADOPTION OF THE AGENDA

Dr. Contino made a motion, seconded by Mr. Maddex, to adopt the amended agenda. The motion was carried.

ACTIVITIES REPORT

Dr. Zickafoose provided the report of the number and types of active licenses as of July 12, 2011.

Total Active Licenses = 19,363

APN = 1,178

RN = 15,104

LPN = 3,081

Total permits 49

UNFINISHED BUSINESS

Discussion of Chaperone Criteria – Mr. Collins sent a letter out to the Board of Nursing.

Ms. Davis-Oliva discussed the chaperone Bill with the Board. She explained the reason for the Bill and said that in her opinion the Board of Nursing should adopt the wording that the Board of Medical Licensure and Discipline is using. The Board agreed. Ms. Davis-Oliva will draft the change.

PICC Presentation – Paula Smallwood, MSN, RN, NE-BC, Nurse Manager, Vascular Access Nursing and Michele McHugh, BSN, RN, Staff Development Specialist, Vascular Access Nursing from Christiana Care Health Systems presented evidence to support a change in the scope of practice for Delaware RNs related to Peripherally Inserted Central Catheters (PICC). After their presentation and Board discussion, Dr. Contino made a motion, seconded by Mr. Deputy, to allow a qualified registered nurse to determine the location of the distal tip of the PICC line with the full interpretation of the chest radiograph and final report being completed by a physician. By unanimous vote the motion was carried. This will require revision to section 7 of the Rules and Regulations.

COMMITTEE REPORTS

Advanced Practice Nurses Committee- Dr. Zickafoose reported that a new committee has been formed and will meet on July 21, 2011 at 7pm in Conference Room A of the Cannon building. Mr. Del Price is the Chairperson of the committee.

AWSAM Committee- Ms. Pam Tyranski reported she agreed to be the Chairperson of the committee, a new committee has been formed, and the first meeting is scheduled August 30, 2011 at 5pm in Conference Room A of the Cannon building.

Rules and Regulations Committee- Mr. Lyron Deputy reported the public hearing for sections 1, 2, 3, 4, 6, 7, 9, 10, and 14 is scheduled for August 10, 2011 at 1pm in Conference room A of the Cannon building. The notice was published in two newspapers on July 12th and Ms. Nicholson stated she read it in the News Journal.

Practice and Education Committee- Dr. Contino reported that two site visits are scheduled, one in July for Leads LPN program and one in August for Camtech LPN program.

PRESIDENT'S REPORT

Ms. Nicholson informed the Board that along with Dr. Zickafoose, she plans to attend the NCSBN Annual Meeting in Indianapolis on August 3 through August 5. Ms. Nicholson said it would be an honor to represent this Board and the State of Delaware.

EXECUTIVE DIRECTOR'S REPORT

Dr. Zickafoose reported she will be attending the Nurse Licensure Compact Administrators (NLCA) meeting and a College of Graduates of Foreign Nursing Schools (CGFNS) reception in addition to the Delegate Assembly in Indianapolis. She also reported a meeting has been scheduled in August to further discuss Medication Aides with Representatives Barbieri and Walker and key state stakeholders.

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

By Examination

Kahlil El-Bey, GPN – Mr. El-Bey's criminal background showed a charge for criminal contempt on March 15, 2004, an offense listed at 15.5.35 in the Rules & Regulations. He submitted final disposition documents and a letter of explanation. Mr. El-Bey had three letters of reference. He has submitted paperwork to have his record expunged. Dr. Contino made a motion, seconded by Ms. Halpern, to grant a waiver to Mr. El-Bey to sit for the NCLEX examination. The motion carried with Mr. Maddex opposing.

Marlene Taylor, GPN – Ms. Taylor's criminal background showed charges for theft and forgery in the second degree on March 2, 2001 and criminal impersonation on June 8, 1993, offenses listed at 15.3.16, 15.3.27, and 15.3.43 in the Rules and Regulations. She submitted final disposition documents and a letter of explanation. Ms. Taylor had nine letters of reference. Ms. Halpern made a motion, seconded by Ms. Tyranski, to approve Ms. Taylor to sit for the NCLEX examination. Discussion started by Dr. Contino questioning the charges and why probation was from June 2009 – November 2010. The motion failed. Dr. Contino made a motion, seconded by Mr. Maddex, to propose to deny Ms. Taylor to sit for the NCLEX examination due to inconsistencies in documentation. The motion was carried by unanimous vote.

Jennifer Sullivan, GPN – Ms. Sullivan's criminal background showed charges for contempt and criminal mischief in 2005, offenses listed at 15.5.35 and 15.3.5 in the Rules and Regulations. She submitted final disposition documents and a letter of explanation. Ms. Sullivan had two letters of reference. Mr. Sanders made a motion, seconded by Ms. Nellius, to grant a waiver for Ms. Sullivan to sit for the NCLEX examination. The motion carried with Mr. Maddex abstaining.

Evans Kamwani, GPN – Mr. Kamwani's criminal background showed charges for disorderly conduct on February 10, 2006 and 3rd degree assault on November 8, 2003, offenses listed at 15.6 and 15.2.13 in the Rules and Regulations. He submitted final disposition documents and a letter of explanation. Mr. Kamwani had four letters of reference. Mr. Deputy made a motion, seconded by Mr. Salati, to grant a waiver to Mr. Kamwani to sit for the NCLEX examination. The motion carried with Mr. Maddex abstaining.

Erin Bradigan, GPN – Ms. Bradigan's criminal background showed charges for 3rd degree criminal trespass, an offense listed at 15.3 in the Rules and Regulations. She submitted final disposition documents and a letter of explanation. Ms. Bradigan had nine letters of reference. Ms. Bradley made a motion, seconded by Mr. Maddex, to grant a waiver to Ms. Bradigan to sit for the NCLEX examination. The motion was carried by unanimous vote.

By Endorsement

Simi Samuel, RN - Ms. Samuel is a RN applicant who graduated from LaSalle University and has been licensed in Pennsylvania since September 2010. She has not been successful in finding employment as a registered nurse. After discussion by the Board on what Ms. Samuel would need in order to be licensed in Delaware, Dr. Contino made a motion, seconded by Ms. Nellius, to approve Ms. Samuel's licensure by endorsement after she completes a supervised practice plan for a total of 240 hours. The motion was carried by unanimous vote.

Denise Yantorno, RN - Ms. Yantorno is a RN applicant who graduated from Temple University in 2002 and has been licensed in Pennsylvania. Her PA license was suspended from 2005-2008 for addiction to pain medicine. Ms. Yantorno does currently hold an active license in Pennsylvania. A letter was submitted as reference to Ms. Yantorno being sober for many years. Dr. Contino made a motion, seconded by Mr. Maddex, to propose to deny licensure by endorsement for Ms. Yantorno. The motion was carried by unanimous vote.

Adwenna Witherell, RN- Ms. Witherell is a RN applicant who graduated from West Virginia University in 1991. Ms. Witherell worked for Mascoutah School District from 2006-2009. Her application was reviewed by the Board of Nursing because her employer reference form stated that she was a substitute during the time frame and the form indicated that the current principals have not made contact with her. The Board office asked for Ms. Witherell to send in an evaluation since the current principals could not speak to Ms. Witherell's job performance. Ms. Witherell submitted an evaluation from a job she held in Houston in 2002-2003. The evaluation submitted was marked exceptional. Dr. Contino made a motion, seconded by Ms. Nellius, to approve Ms. Witherell's licensure by endorsement. The motion was carried by unanimous vote.

Kimberly White, RN – Ms. White is a RN applicant who graduated from Harrisburg Area Community College in 2003. Ms. White's criminal background showed a conviction for harassment on June 28, 2005, an offense listed at 15.6.3 in the Rules and Regulations. Pennsylvania put her license on probation for 2 years and that is complete. Ms. White submitted disposition papers and a letter of explanation. She submitted one letter of reference. Dr. Contino made a motion, seconded by Mr. Maddex, to propose to deny licensure by endorsement to Ms. White. The motion was carried by unanimous vote.

By Reinstatement

Jennifer Haynes, LPN – Ms. Haynes is asking to be reinstated. Ms. Haynes moved back to Delaware and applied for reinstatement of her license in Delaware but did not understand the compact license and the 30 day rule for submitting her DE driver's license. Ms. Haynes was living in Virginia and working in Maryland. Her reinstatement was delayed due to her criminal background showing assault and battery in 2004, an offense listed at 15.2.13-15 in the Rules and Regulations. Ms. Haynes submitted final disposition documentation and her letter of explanation. She had one reference letter. Dr. Contino made a motion, seconded by Mr. Deputy, to grant Ms. Haynes a waiver to be reinstated in Delaware. The motion carried with Mr. Maddex opposing.

Advanced Practice Nurse

Grace Rishell, APN – Ms. Rishell is a Psychiatric NP applicant who is licensed and has prescriptive authority in New York and is applying for APN licensure by endorsement in Delaware. She states she graduated when there was no national certification exam. Ms. Nicholson stated some people are grandfathered and Ms. Halpern stated Ms. Rishell meets the requirements except she needs a collaborative agreement. After reviewing the Rules and Regulations Ms. Davis-Oliva advised the Board they could license Ms. Rishell. Dr. Contino made a motion, seconded by Ms. Bradley, to grant a waiver

to license Ms. Rishell by endorsement. By unanimous vote, the motion carried. Ms. Rishell will need to submit a collaborative agreement to practice in Delaware and she will need to apply for prescriptive authority through the Joint Practice Committee.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Ms. Bradley made a motion, seconded by Mr. Saladi, to ratify the following complaint assignments given to the respective Board contact person. The motion was carried by unanimous vote.

11-57-11 Deputy	11-62-11 Tyranski
11-58-11 Nellius	11-63-11 Salati
11-59-11 Price	11-64-11 Halpern
11-60-11 Bradley	11-65-11 Bradley
11-61-11 Littleton	

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office

11-29-07	11-47-09
11-94-07	11-56-08
11-55-08	11-52-08

Closed Investigations by the Division of Professional Regulation

There were no complaints closed by the Division of Professional Regulation in June.

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Appointment of Hearing Panel 7

Ms. Nicholson wanted to thank Dr. Contino, Hearing Chairperson, Mr. Maddex, and Ms. Littleton for making themselves available for their participation on Hearing Panel 6.

Hearing Panel 7 will consist of Ms. Halpern, Hearing Chairperson, Ms. Tyranski, and Dr. Lomax. Dr. Contino made a motion, seconded by Mr. Maddex, to approve the members of Hearing Panel 7. By unanimous vote, the motion carried.

Hearings

The Board President had two Orders that were previously adopted by the Board to sign: one for Rolanda Britt and one for Tracy Heiney.

Consent Agreement(s)

Marita Lewis, RN – Board members reviewed the consent agreement. Ms. Nellius made a motion, seconded by Ms. Bradley, to accept and approve the consent agreement. By unanimous vote, the motion carried. Mr. Maddex stated that there were typographical errors that needed to be fixed on the consent agreement.

Charles Meade, RN - Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Ms. Halpern, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Mary Hobson, RN - Board members reviewed the consent agreement. Ms. Halpern made a motion, seconded by Ms. Tyranski, to accept and approve the consent agreement. The Board discussed

whether the probation was too light for the punishment. The motion carried with Mr. Saladi being recused, and Mr. Deputy, Ms. Nellius, Dr. Contino, and Mr. Sanders opposing.

Patricia Hudson - Board members reviewed the consent agreement. Ms. Davis-Oliva discussed with the Board that her opinion and her supervisor's opinion is that the Board doesn't have authority to accept this consent agreement. The consent agreement was rejected by the Board.

Kimberly Harris-Ong - Board members reviewed the consent agreement. Mr. Deputy made a motion, seconded by Dr. Lomax, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Adrienne Harvey-Lucas - Board members reviewed the consent agreement. Ms. Halpern made a motion, seconded by Mr. Deputy, to accept and approve the consent agreement. Mr. Salati discussed his concerns about the use of how many times the medicine machine was accessed and how much medicine was taken. The motion carried with Mr. Saladi opposing.

Chief Hearing Officer Recommendations

Lyndsey Hill, LPN - Board members reviewed the recommendation from the Chief Hearing Officer. Mr. Maddex made a motion, seconded by Mr. Sanders, to accept and approve the recommendation from the Chief Hearing Officer to revoke the license of Ms. Lyndsey Hill. By unanimous vote, the motion carried.

HEARING PANEL FINDINGS/DECISIONS/ORDERS

There were no hearing panel decisions or orders to review.

HEARINGS

Proposed to deny hearing minutes below.

DISCIPLINARY HEARING

No disciplinary hearings in July for Hearing Panel 6.

LEGISLATIVE UPDATE

Ms. Nicholson discussed three bills with the Board:

Senate Bill 59 was passed and signed by Governor Markell. This bill changes the waiting period from 5 years after the discharge of all sentences to 5 years from the date of conviction for a felony provided that the applicant is not incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence at the time of application.

Senate Bill 18 was passed by both Houses. This bill will increase the annual amount of compensation an officer may receive before Senate confirmation is required.

House Bill 155 was passed and is awaiting the Governor's signature. The bill creates the option of renewing a nursing license late, up to sixty days past the renewal period consistent with most regulated professions.

REVIEW OF COMPLIANCE

None

PRACTICE WITHOUT LICENSURE REVIEWS (June)

There were 2 practices without licensure for June. One was less than 60 days and a letter was sent. One was over 60 days and a complaint was filed.

PRACTICE ISSUES

There were no practice issues for June.

EDUCATIONAL ISSUES

Leads Faculty request

Chantal Murray, RN, MSN, MBA – Dr. Contino pointed out that Ms. Murray will be teaching psychiatry and doing clinical in psychiatry yet she has no work experience in this area. However, her resume shows medical/surgical and pediatric/neonatal experiences. Mr. Deputy made a motion, seconded by Ms. Nellius, to approve Ms. Murray as an additional faculty for Leads School. The motion carried by unanimous vote.

Sharon Pappas Barnes, RN, MSN – Dr. Contino made a motion, seconded by Mr. Deputy, to approve Ms. Barnes as an additional faculty for Leads School contingent upon her reinstating her nursing license in Delaware. The motion carried by unanimous vote.

Friday Obaseime, RN, BSN – Dr. Contino made a motion, seconded by Mr. Maddex, to approve Friday Obaseime as an additional faculty for Leads School contingent upon his obtaining a Delaware nursing license. The motion carried by unanimous vote.

All three were approved pending their receipt of active Delaware RN licenses.

Beebe School of Nursing

The Beebe School of Nursing submitted a request to the Board of Nursing to add a new clinical facility. The Board reviewed the information provided by Beebe. Dr. Contino made a motion, seconded by Mr. Deputy, to approve the request to add a new clinical facility for Beebe School of Nursing. The motion carried by unanimous vote.

LICENSURE ISSUES

There were no licensure issues for June.

NCSBN

Dr. Zickafoose reminded the Board that she and Ms. Nicholson will be at the NCSBN Annual Meeting starting August 3rd.

LICENSEE RATIFICATION

Ms. Halpern made a motion, seconded by Mr. Deputy, to ratify the licensee list. By unanimous vote, the motion carried.

PUBLIC COMMENT

Members of the public introduced themselves and there were no comments.

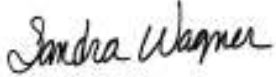
NEXT SCHEDULED MEETING

September 14, 2011 - 9:00 a.m.
861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 12:12 p.m.

Respectfully Submitted,



Administrative Specialist III
Delaware Board of Nursing

HEARING MINUTES

HEARING – George Tuoni

The Delaware Board of Nursing held a hearing on July 13, 2011, at 11:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Robert Contino, Madelyn Nellius, Robert Maddex, Kathy Bradley, Lyrone Deputy, Mary Lomax and Pamela Tyranski

RECUSED:

EXCUSED: Tammy Ward, Tracy Littleton, and Delphos Price

PURPOSE: Lift Suspension

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: George Tuoni

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Lucinda Reeder, Wilcox and Fetzer

TIME STARTED: 11:00 a.m.

TIME ENDED: 11:03 a.m.

Licensee was not present for this hearing he requested. Therefore, the hearing did not go forward. A letter will be sent to Mr. Tuoni informing him of the same.

HEARING MINUTES

HEARING – Leslie Mann

The Delaware Board of Nursing held a hearing on July 13, 2011, at 2:00 p.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, David Salati, Dianne Halpern, Harland Sanders, Robert Contino, Madelyn Nellius, Mary Lomax, Robert Maddex, Kathy Bradley, Lyron Deputy and Pamela Tyranski

RECUSED:

EXCUSED: Tammy Ward, Tracy Littleton, and Delphos Price

PURPOSE: Proposed to Deny Hearing

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Leslie Mann

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Lucinda Reeder, Wilcox and Fetzer

TIME STARTED: 2:00 p.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Mann was present for the hearing. Ms. Davis-Oliva entered the documents as Board Exhibit 1. The Board went off the record for deliberations at 2:15 p.m. The Board went back on the record at 2:23 p.m. Mr. Deputy made a motion, seconded by Mr. Maddex, to approve a waiver to be granted to Ms. Mann to sit for examination. The motion carried with Dr. Contino abstaining. The hearing concluded at 2:24 p.m.